IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1877 OF 2006

V.V. Kamath ...Petitioner

Vs.

State of Maharashtra & Anr. ...Respondents

Shri A.A. Kochrekar for the Petitioner.
Shri A.S.Shitole, A.P.P. for the State.
Shri M.S.Mohite for the Respondent No.2.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 12, 2006.

P.C.:

1. Rule. Shri Mohite waives service for the second Respondent. The learned A.P.P. waives service for the first Respondent. Taken up for hearing forthwith. The learned Advocate for the Petitioner has confined the challenge in this Petition to order dated 19th August, 2006. He submitted that the Petitioner has already furnished P.R.Bond of Rs.50,000/- and has also furnished cash surety of Rs.10,000/-. He has already paid penalty of Rs.500/-. He prays that condition regarding furnishing solvent surety in the sum of Rs.50,000/- or more sureties of like amount of Rs.15,000/- each may be set aside. He states that the Petitioner will remain present before the Trial Court and will co-operate for early disposal of the complaint. I have heard the learned Advocate appearing for the second Respondent.

2. In view of the assurance given by the Petitioner through his Advocate and considering the nature of complaint filed by the second Respondent, a case is made out for modification of order dated 19th August, 2006 passed by the Trial Court.

3. Hence, I pass the following order:

(i) The condition incorporated in order dated 19th August, 2006 to the following effect

> "and one solvent surety of like amount or more sureties of like amount of Rs.15,000/- each."

is quashed and set aside. The other part of the order is maintained as it is already complied with.

(ii) Hearing of the complaint is expedited. Since the original complaint is of the year 1996, the learned Trial Judge will dispose of the same preferably on or before 31st January, 2007.

JUDGE